

By: Ellis

S.B. No. 1355

A BILL TO BE ENTITLED

AN ACT

relating to the Department of Information Resources' management of information technology at state agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 2054, Government Code, is amended by adding Section 2054.065, Government Code, to read as follows:

Sec. 2054.065. STANDARD INFORMATION TECHNOLOGY ARCHITECTURE. (a) The department shall develop, implement, and enforce a standard information technology architecture for all state agencies.

(b) The department shall establish a phased implementation plan for state agency compliance with this section. The implementation plan must identify specific compliance standards for computer hardware and software, telecommunications, and related system components.

(c) The department shall establish a waiver process for state agencies that provide a compelling business case for pursuing alternative information technology.

(d) The comptroller, at the request of the department, shall deny a state agency access to information technology appropriations if the state agency does not comply with the standard information technology architecture implemented under this section.

SECTION 2. Section 2054.153, Government Code, is amended to

1 read as follows:

2           Sec. 2054.153. DEPARTMENT GUIDELINES. (a) The department  
3 by rule shall establish model guidelines for state agencies to use  
4 in implementing Capability Maturity Model-Integrated or a  
5 comparable program for developing and maintaining information  
6 technology systems, as determined by the department, when  
7 developing their own internal quality assurance standards and  
8 guidelines [~~procedures~~].

9           (b) The department's guidelines must address:

- 10           (1) planning project development;
- 11           (2) determining the projected benefits of a project;
- 12           (3) developing and implementing management control  
13 processes;
- 14           (4) projecting the budget for a project;
- 15           (5) analyzing the risks of a project;
- 16           (6) establishing standards by which the effectiveness  
17 and efficiency of a project can be evaluated; [~~and~~]

18           (7) evaluating and reporting on the project after  
19 implementation; and

20           (8) compliance requirements for internal quality  
21 assurance when using Capability Maturity Model-Integrated or a  
22 comparable program for developing and maintaining information  
23 technology systems, as determined by the department.

24           SECTION 3. Section 2054.154, Government Code, is amended to  
25 read as follows:

26           Sec. 2054.154. DEPARTMENT ASSISTANCE; TRAINING. (a) The  
27 department shall establish a comprehensive technical assistance

1 program to aid state agencies in [~~developing and~~] implementing  
2 Capability Maturity Model-Integrated or a comparable program for  
3 developing and maintaining information technology systems, as  
4 determined by the department, when developing their own internal  
5 quality assurance standards and guidelines [~~procedures~~].

6 (b) The department shall develop, implement, and enforce a  
7 plan for training state agencies to use Capability Maturity  
8 Model-Integrated quality assurance standards and guidelines or a  
9 comparable program for developing and maintaining information  
10 technology systems, as determined by the department.

11 SECTION 4. Section 2054.155, Government Code, is amended to  
12 read as follows:

13 Sec. 2054.155. EXEMPTION FOR CERTAIN PROJECTS. (a) The  
14 department by rule may exempt state agency projects from the  
15 requirement to implement internal quality assurance procedures for  
16 projects that fall below:

17 (1) a cost of \$1 million; [~~minimum cost~~] and  
18 (2) risk thresholds established by the department  
19 [~~from the requirement to implement internal quality assurance~~  
20 ~~procedures~~].

21 (b) The department by rule may exempt state agency projects  
22 that procure only hardware, regardless of cost, from the  
23 requirement to implement Capability Maturity Model-Integrated or a  
24 comparable program for developing and maintaining information  
25 technology systems, as determined by the department, when  
26 developing their own internal quality assurance standards and  
27 guidelines.

1 SECTION 5. Section 2054.156, Government Code, is amended by  
2 amending Subsection (a) and adding Subsection (d) to read as  
3 follows:

4 (a) Each state agency shall develop its own internal quality  
5 assurance procedures using the standards and guidelines of  
6 Capability Maturity Model-Integrated or the standards and [~~based on~~  
7 ~~the department's model~~] guidelines of a comparable program for  
8 developing and maintaining information technology systems, as  
9 determined by the department. Each state agency shall use its  
10 internal quality assurance procedures to evaluate each of its  
11 projects that is not exempt under Section 2054.155.

12 (d) Each state agency shall comply with the standards and  
13 guidelines of Capability Maturity Model-Integrated or the  
14 standards and guidelines of a comparable program for developing and  
15 maintaining information technology systems, as determined by the  
16 department, for projects valued at \$1 million or more and that are  
17 not exempt under Section 2054.155.

18 SECTION 6. Section 2054.157(b), Government Code, is amended  
19 to read as follows:

20 (b) The department shall report on state agencies' progress  
21 in using Capability Maturity Model-Integrated or a comparable  
22 program for developing and maintaining information technology  
23 systems, as determined by the department, when developing and  
24 implementing internal quality assurance standards and guidelines  
25 [~~procedures~~] as part of the department's biennial performance  
26 report.

27 SECTION 7. Chapter 2054, Government Code, is amended by

1 adding Subchapters L, M, N, and O to read as follows:

2 SUBCHAPTER L. ELECTRONIC MAIL

3 Sec. 2054.401. DEFINITION. In this subchapter, "e-mail"  
4 means electronic mail.

5 Sec. 2054.402. STATEWIDE CONSOLIDATION PLAN. (a) The  
6 department shall develop, modify, and implement a statewide e-mail  
7 consolidation plan to merge the state's agency-specific e-mail  
8 services into a unified and centrally managed and supported e-mail  
9 system.

10 (b) The plan must address:

11 (1) compliance with current e-mail guidelines adopted  
12 by the Texas State Library and Archives Commission for  
13 establishment of a common reference for all agencies;

14 (2) compliance with the records management and records  
15 retention requirements adopted by the Texas State Library and  
16 Archives Commission;

17 (3) creation of an automated e-mail classification  
18 system using metadata created by e-mail messaging systems;

19 (4) adoption of the open archival information system  
20 framework as guidance for the development of a long-term repository  
21 for e-mail and other digital records;

22 (5) development of a prototype repository with  
23 features that can be phased in over time;

24 (6) use of a state data center for e-mail hosting and  
25 archive operations;

26 (7) administration of e-mail services and archive  
27 operations; and

1           (8) management and oversight of e-mail services and  
2 archive operations, including responding to requests made under  
3 Chapter 552 and other requests for retrieval of archived e-mail.

4           Sec. 2054.403. USE BY STATE AGENCIES; FUNDING. (a) Each  
5 state agency shall use the e-mail services provided through the  
6 department based on a cost-recovery model developed by the  
7 department.

8           (b) A state agency may not spend appropriated money for  
9 e-mail services that are not provided by the department.

10          Sec. 2054.404. STATE DATA CENTER. The department shall use  
11 a state data center for the hosting of e-mail services.

12          Sec. 2054.405. COST-BENEFIT ANALYSIS. The department shall  
13 develop or modify a cost-benefit analysis to determine what type of  
14 e-mail hosting system provides the least expensive method of  
15 consolidation, including an analysis of whether a system run by a  
16 private vendor or the state provides the least expensive system.  
17 The analysis may also consider a combination of state and private  
18 vendor participation.

19           [Sections 2054.406-2054.450 reserved for expansion]

20                           SUBCHAPTER M. PEOPLE SOFTWARE

21          Sec. 2054.451. APPLICABILITY. This subchapter applies to  
22 PeopleSoft or a comparable product approved by the department.

23          Sec. 2054.452. STATEWIDE CONSOLIDATION PLAN. (a) The  
24 department shall develop, modify, and implement a consolidation  
25 plan to provide for centralized management of PeopleSoft deployment  
26 and operations at each state agency.

27           (b) The plan must address:

- 1           (1) use of a state data center for PeopleSoft hosting;
- 2           (2) use of an Internet-based application service
- 3 provider;
- 4           (3) a schedule for deployment of PeopleSoft to state
- 5 agencies;
- 6           (4) a schedule for PeopleSoft upgrades for existing
- 7 state agencies; and
- 8           (5) an approval process by which the department may
- 9 authorize state agencies to spend money related to PeopleSoft
- 10 deployment, operations, and maintenance.

11           Sec. 2054.453. COMPLIANCE BY STATE AGENCIES; FUNDING. (a)  
12 Each state agency shall comply with the consolidation plan  
13 developed under Section 2054.452.

14           (b) A state agency must obtain department approval before  
15 the agency may spend appropriated money to:

- 16           (1) install or operate PeopleSoft; or
- 17           (2) contract for any goods or services related to
- 18 PeopleSoft.

19           (c) The comptroller, at the request of the department, shall  
20 deny a state agency access to PeopleSoft and related information  
21 technology appropriations if the state agency does not comply with  
22 the consolidation plan.

23           Sec. 2054.454. STATE DATA CENTER. The department shall use  
24 a state data center for the hosting of PeopleSoft applications.

25           [Sections 2054.455-2054.500 reserved for expansion]

26                           SUBCHAPTER N. SMALL STATE AGENCIES

27           Sec. 2054.501. DEFINITION. In this subchapter, "small

1 state agency" means a state agency with not more than 100 full-time  
2 equivalent employees.

3 Sec. 2054.502. SMALL STATE AGENCIES CONSOLIDATION PLAN.

4 (a) The department shall develop, modify, and implement a plan to  
5 consolidate information technology at small state agencies.

6 (b) The plan must include:

7 (1) a description of the technology services that the  
8 department will provide under the consolidation plan;

9 (2) a schedule for the implementation of the  
10 consolidation plan; and

11 (3) a schedule for routine technology upgrades and  
12 maintenance regarding projects.

13 Sec. 2054.503. COMPLIANCE BY SMALL STATE AGENCIES; FUNDING.

14 (a) Each small state agency shall comply with the consolidation  
15 plan developed under Section 2054.502.

16 (b) The comptroller, at the request of the department, shall  
17 deny a small state agency access to information technology  
18 appropriations if the agency does not comply with the consolidation  
19 plan.

20 Sec. 2054.504. CONTRACTS FOR TECHNOLOGY SERVICES BY SMALL

21 STATE AGENCIES; FUNDING. (a) Each small state agency shall  
22 contract with the department for the agency's technology services  
23 based on a cost-recovery model developed by the department.

24 (b) A small state agency may not spend appropriated money  
25 for technology services from other providers of services if the  
26 services are otherwise provided by the department.

27 Sec. 2054.505. SMALL AGENCY INFORMATION RESOURCE MANAGER:

1 RULES. (a) The department shall designate a department employee to  
2 serve as information resources manager for small state agencies.

3 (b) The department by rule may exempt small state agencies  
4 from compliance with Section 2054.075.

5 [Sections 2054.506-2054.550 reserved for expansion]

6 SUBCHAPTER O. STATE DATA CENTER

7 Sec. 2054.551. DEFINITION. In this subchapter, "data  
8 center" means the state data center operated under this subchapter.

9 Sec. 2054.552. OPERATION OF STATE DATA CENTER. On the  
10 campus of Angelo State University, the department shall operate or  
11 through cooperative agreement manage operations of the data center,  
12 including disaster recovery and operations.

13 Sec. 2054.553. CONSOLIDATION PLAN. The department shall  
14 develop, modify, and implement a plan to consolidate the state's  
15 agency-specific data centers and ancillary services into a unified  
16 and centrally managed and supported data center.

17 Sec. 2054.554. USE BY STATE AGENCIES; FUNDING. (a) Each  
18 state agency shall use the data center for:

- 19 (1) testing disaster recovery plans;  
20 (2) disaster recovery services; and  
21 (3) data center operations.

22 (b) Unless a state agency receives a waiver under Subsection  
23 (c), the agency may not spend appropriated money:

24 (1) to purchase from providers other than the  
25 department goods or services that could be performed by the  
26 department at the data center, including the testing of disaster  
27 recovery plans or for other disaster recovery services; or

1           (2) to enter into or renew a contract or issue a  
2 purchase order for disaster recovery plan testing services or  
3 disaster recovery services or data center operations from other  
4 state agencies or other providers of these services, except for the  
5 department.

6           (c) The department shall establish a waiver process for  
7 state agencies based on service standards that provide the best  
8 value to the state.

9           Sec. 2054.555. COST-BENEFIT ANALYSIS. The department shall  
10 develop or modify a cost-benefit analysis to determine what type of  
11 data center provides the least expensive method of consolidation,  
12 including an analysis of whether a system run by a private vendor or  
13 the state provides the least expensive system. The analysis may  
14 also consider a combination of state and private vendor  
15 participation.

16           Sec. 2054.556. ANNUAL REPORT REQUIRED. The department  
17 shall report annually to the legislature on the progress of the  
18 consolidation plan. The report must include:

19           (1) the number and names of state agencies applying  
20 for waivers;

21           (2) the number and names of state agencies granted  
22 waivers;

23           (3) the number and names of state agencies using the  
24 data center;

25           (4) the number of full-time equivalent employees that  
26 should be reduced from each agency's employee cap in the next  
27 biennium based on the state agency's use of the data center; and

1           (5) the effect of any other statewide consolidation  
2 efforts on the operations of the data center.

3           SECTION 8. The heading to Subchapter D, Chapter 2157,  
4 Government Code, is amended to read as follows:

5           SUBCHAPTER D. [~~PREAPPROVED~~] CONTRACT TERMS AND CONDITIONS

6           SECTION 9. Subchapter D, Chapter 2157, Government Code, is  
7 amended by adding Section 2157.185 to read as follows:

8           Sec. 2157.185. CERTAIN TECHNOLOGY CONTRACTS. (a) In this  
9 section, "department" means the Department of Information  
10 Resources.

11           (b) The department shall develop rules and guidelines to  
12 administer automated information systems contracts in this state,  
13 including:

14           (1) standard contract terms and conditions for use by  
15 all state agencies subject to the rules and guidelines developed by  
16 the department; and

17           (2) standard scopes of work, where possible.

18           (c) Each automated information systems contract with a  
19 value of \$50,000 or more must be approved by the department.

20           (d) The department shall consider approval of contracts  
21 under this section based on:

22           (1) best value to the state;

23           (2) compliance with state consolidation efforts; and

24           (3) compliance with department rules and guidelines  
25 regarding automated information systems contracts.

26           (e) The department shall provide to agencies contract  
27 management services on a cost-recovery basis, including:

1           (1) full contract management services if the  
2 department provides contract management throughout the contract's  
3 term; and

4           (2) requirements and scope of work definition  
5 development if:

6                   (A) the department provides contract development  
7 services only; and

8                   (B) contract management remains with the state  
9 agency.

10           SECTION 10. Effective September 1, 2004, Section 2055.059,  
11 Government Code, is repealed.

12           SECTION 11. (a) Not later than February 1, 2004, the  
13 Department of Information Resources shall develop the plan and  
14 other information necessary to consolidate e-mail services as  
15 required by Subchapter L, Chapter 2054, Government Code, as added  
16 by this Act.

17           (b) Not later than September 1, 2004, the Department of  
18 Information Resources shall implement the plan necessary to  
19 consolidate e-mail services as required by Subchapter L, Chapter  
20 2054, Government Code, as added by this Act. A state agency is not  
21 required to comply with Section 2054.403, Government Code, as added  
22 by this Act, until the plan is implemented.

23           SECTION 12. (a) Not later than February 1, 2004, the  
24 Department of Information Resources shall develop the plan required  
25 by Section 2054.452, Government Code, as added by this Act.

26           (b) Not later than September 1, 2004, the Department of  
27 Information Resources shall implement the plan as required by

1 Section 2054.452, Government Code, as added by this Act. A state  
2 agency is not required to comply with Section 2054.453, Government  
3 Code, as added by this Act, until the plan is implemented.

4 SECTION 13. (a) Not later than February 1, 2004, the  
5 Department of Information Resources shall develop:

6 (1) the plan required by Section 2054.502, Government  
7 Code, as added by this Act; and

8 (2) the model required by Section 2054.504, Government  
9 Code, as added by this Act.

10 (b) Not later than September 1, 2004, the Department of  
11 Information Resources shall implement the plan as required by  
12 Section 2054.502, Government Code, as added by this Act, and  
13 develop the model as required by Section 2054.504, Government Code,  
14 as added by this Act. A state agency is not required to comply with:

15 (1) Section 2054.503, Government Code, as added by  
16 this Act, until the plan is implemented; or

17 (2) Section 2054.504, Government Code, as added by  
18 this Act, until the model is developed.

19 SECTION 14. (a) Not later than February 1, 2004, the  
20 Department of Information Resources shall develop the plan and  
21 other information necessary to establish the state data center as  
22 required by Section 2054.553, Government Code, as added by this  
23 Act.

24 (b) Not later than September 1, 2004, the Department of  
25 Information Resources shall implement the plan and establish the  
26 data center as required by Subchapter O, Chapter 2054, Government  
27 Code, as added by this Act. A state agency is not required to comply

1 with Section 2054.554, Government Code, as added by this Act, until  
2 the plan is implemented and the state data center is established.

3 SECTION 15. Section 2157.185, Government Code, as added by  
4 this Act, applies only to a contract entered into on or after the  
5 effective date of this Act. A contract entered into before the  
6 effective date of this Act is covered by the law in effect when the  
7 contract was entered into, and the former law is continued in effect  
8 for that purpose.

9 SECTION 16. This Act takes effect September 1, 2003.